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EXAMINER
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ART UNIT	PAPER NUMBER
2711	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/107,012

Applicant(s)

Boyer et al.

Examiner

Sam Huang

Group Art Unit

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☒ Responsive to communication(s) filed on Jul 22, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-64 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-64 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed July 22, 1999 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-12, 20, 28-33, 36-44, 52, 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763).

Regarding claims 1, 12, 20, 36 and 52 applicant's admitted prior art discloses an Internet television program guide system for providing television program listings to a user at a multimedia system over an Internet communications link comprising an inherent computer system and a web server (applicant's specification, page 3, lines 1-19). Although applicant's admitted prior does not specifically disclose a computer system for providing television program listings, the computer system is an inherent device in applicant's admitted prior art since a computer system is an absolute necessity to generate electronic information/data over an Internet

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communication link. The web server within the system receives television program listings from the computer system and provides the television program listings to the multimedia system over the Internet communication link when the user accesses the television program listings using the multimedia system (Id.). Applicant's admitted prior art fails to specifically disclose an Internet television program guide system for providing television program listings with embedded real-time data. However, Starsight teaches a system and method for displaying and presenting an electronic program schedule guide with embedded real-time data (page 8, lines 30-32; page 12, lines 11-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art by the teachings of Starsight so that the program guide would be more than a series of static pages providing the user with up-to-date information soon as the information or data is created.

As for claims 7-11, 28-33, 39-44, 59-62 applicant's admitted prior art fails to specifically show means for providing real time data containing: textual information, video images, video clips, audio clips and a combination thereof. Additionally, applicant's admitted prior art fails to specifically show means for allowing user to select a given television program listings with embedded real-time data and means for providing real-time as well as non-real-time supplemental information on the selected television program listing. However, Starsight teaches a system and method of providing real time and no-real-time supplemental information, containing textual information, video images, video clips, audio clips and a combination thereof and allowing the user to select the listings (page 7, lines 1-16; page 8, lines 6-33, page 9, lines

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18-20; page 12, lines 11-17) . Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art by the teachings of Starsight in order to provide the user with an interactive display screen that enhances the user's experience through sound and text and animated images.

As for claims 4-6 and 37-38, applicant's admitted prior art fails to specifically disclose a computer system comprising means for receiving real-time data from real-time data processing facility supplying real-time sports scores and weather data. However, Starsight shows a system and method of providing real-time sports scores and real-time weather data (page 15, lines 23-33; page 16, lines 1-20). Although applicant's admitted prior and Starsight does not specifically disclose a processing facility supplying real time sports scores and real-time weather data, such processing facility is an inherent device since the real-time information much stem form a particular source. In other words, the real-time data must be fed to the computer system in order for the computer system to distribute the information to others. Current information on sports and weather must originate from inherent processing centers which eventually distributes such information.

4. Claims 2, 3, 35, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763), further in view of Logan et al. (US 5,721,827).

Regarding claim 2, applicant's admitted prior art and Starsight fail to specifically show a computer system comprising a media library containing video clips. However, Logan et al. teach

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a system for electronically distributing an electronic program listing over the Internet with a computer system comprising a program data library 130 containing video clips 134 (see Figure 1, col. 1, lines 39-65; col. 4, lines 15-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art and Starsight by the teachings of Logan since maintaining a media library containing video clips would enhance the graphical display of the television program listings.

As for claim 3, applicant's admitted prior art and Starsight fail to specifically show a computer system comprising a data server on which at least part of the program listings are stored. However, Logan et al. disclose a host server 101 which reads on as a data server containing program listings (Id.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art and Starsight by the teachings of Logan since a data server would facilitate the transfer of data and files on the Internet network.

Concerning claims 35 and 64, applicant's admitted prior art and Starsight fail to specifically show a system wherein the Internet communications link comprises a telephone line and the web server provides the web pages to the multimedia system over the telephone line. However, Logan et al. teach a system wherein the connection between the host server and the subscriber/player is by means of a conventional data transmission link, such as a dial up Internet connection which reads on a dial up telephone line (col. 1, lines 48-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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applicant's admitted prior art and Starsight by the teachings of Logan et al. since a telephone line is the conventional data transmission link for Internet communications.

5. Claims 13-15, 19, 34, 45-47, 51, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763), further in view of Klosterman (US 5,828,945).

Regarding claims 13-15 and 45-47 applicant's admitted prior art and Starsight fail to specifically show a system comprising means for providing a go national, go local or go satellite option which the user selects to receive real-time data embedded within national, local or satellite television program listings. However, Klosterman teaches a multi-source information guide system wherein the invention offers the user local, national, and satellite television program listings with embedded real-time data (col. 3, lines 1-30; col. 10, lines 38-42). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art and Starsight by the teachings of Klosterman in order to provide information services to a wider range of users.

Concerning claims 19 and 51, applicant's admitted prior art, Starsight and Klosterman fail to specifically show a system comprising means for presenting a pick again web page when television program listings are not available for the selected locality. However, the said means for presenting a pick again web page is an inherent feature to provide the user another opportunity to select a locality whenever the user enters the wrong locality or whenever the user enters a locality that is not available in the system. Said means is an inherent element in the

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system because the system has to revert back to an entry screen and alert the user that entry was not accepted.

As for claim 34 and 63 applicant's prior art and Starsight fail to specifically show a system comprising a satellite transmission link to provide television schedule guides. However, Klosterman teaches that a Direct Broadcast Satellite System can provide television program schedule information via a satellite transmission in conjunction with a receiver (col. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art and Starsight by the teachings of Klosterman so that coverage of users may be accomplished without prior communication infrastructures.

6. Claims 16, 17, 48, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763), in view of Klosterman (US 5,828,945), further in view of Kummer et al. (US 5,790,202).

As for claims 16, 17, 48, 49, applicant's admitted prior art, Starsight and Klosterman fail to specifically show a system comprising means for selecting a locality for the local television program listings and means for accepting a zip code from which the locality is determined.

However, Kummer et al. disclose a system wherein the user selects the locality for the local television program listings by entering user's zip code into the system (col. 2, lines 53-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art, Starsight and Klosterman by the teachings of

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Kummer et al. in order to provide the user a quick and user friendly method to select the locality of the user without the necessity of choosing from a long list of options.

7. Claims 18, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763), in view of Klosterman (US 5,828,945), in view of Kummer et al. (US 5,790,202), further in view of Moncreiff (US 5,828,839).

Regarding claims 18, 50 applicant's admitted prior art, Starsight, Klosterman and Kummer fail to specifically show a system comprising means for selecting a local region from a map. However, Moncreiff teaches a computer network system whereby a local region channel guide is provided to the user by selecting the local region from a map (see Figures 4, 6, 7, col. 5, lines 4-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art, Starsight, Klosterman and Kummer by the teachings of Moncreiff to provide the user with an efficient and user friendly graphical display selection screen.

8. Claims 21-22, 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763), further in view of LaJoie et al. (US 5,850,218).

As for claims 21-22, 53-54, applicant's admitted prior art and Starsight fail to specifically disclose a system comprising means for arranging the television program listings by time and by channel. However, La Joie et al. show an inter-active program guide with setting controls to

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arrange the television program listings by time and by channel (col. 6, lines 4-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art and Starsight with the teachings of La Joie in order to provide the user with enhanced options so that the user may interact and utilize the television program guide with efficiency and ease.

9. Claims 23-26, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763), further in view of Youman et al. (US 5,629,733).

Regarding claims 23-26, 55-57, applicant's admitted prior art and Starsight fail to specifically show a system comprising means for arranging the television program listings by category wherein one of the categories is sports, means for searching the television program listings by title. However, Youman et al. teaches an electronic television program guide schedule system and method with program listings by category and one such category is sports and with search capabilities by title (see Figures 38C-38F, col. 17, lines 5-27, col. 30, lines 60-65, col. 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art and Starsight by the teachings of Youman et al. in order to provide the user with enhanced options so that the user may interact and utilize the television program guide with efficiency and ease.

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10. Claims 27, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (see Specification) in view of Starsight Telecast, Inc. (hereinafter "Starsight") (WO 97/42763), further in view of White et al. (US 5,596,373).

Regarding claims 27, 58, applicant's admitted prior art and Starsight fail to specifically show a system comprising means for searching the television program listings by category. However, White et al. disclose a method and system for searching the television program listings by category (col. 7, lines 28-65, col. 9, claims 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art and Starsight by the teachings of White et al. in order to provide the user with enhanced options so that the user may interact and utilize the television program guide with efficiency and ease.

Response to Arguments

The following remarks are in response to applicant's arguments.

In response to applicant's argument that the StarSight reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., embedded scores from sports events or current weather information,) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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According to applicant's argument, the StarSight reference has been mischaracterized since StarSight provides a "program schedule guide with information regions for displaying additional information." Applicant falls short in arguing that StarSight has been mischaracterized since StarSight specifically teaches an electronic program schedule guide with embedded real-time data containing textual information, video images, video clips, audio clips and a combination thereof (page 7, lines 1-16; page 8, lines 6-33, page 9, lines 18-20, page 12, lines 11-17). The distinctions made in applicant's argument regarding StarSight fails to appear in the language of claim 1 and therefore is moot. Accordingly, StarSight's teachings in combination with applicant's admitted art clearly overcome applicant's claim 1 and 36.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Box AF

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Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5399, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Sam Hang whose telephone number is (703) 305-0627. The examiner can
normally be reached on M-Th from 8:30 to 6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Faille, can be reached on (703) 305-4380. The fax phone number for this
Group is (703) 308-5359.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

September 27, 1999


ANDREW I. FAILE
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GROUP 2700